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THE alleged ground upon which the founders of our Free School system proceeded, when adopting it, did not embrace the whole argument by which it may be defended. Their insight was better than their reason. They assumed a ground, indeed, satisfactory and convincing to Protestants; but, at that time, only a small portion of Christendom was Protestant, and even now only a minority of it is so. The very ground on which our Free Schools were founded, therefore, if it were the only one, would be a reason with half of Christendom, at the present time, for their immediate abolition.

In later times, and since the achievement of American independence, the universal and ever-repeated argument in favor of Free Schools has been, that the general intelligence which they are capable of diffusing, and which can be imparted by no other human instrumentality, is indispensable to the continuance of a republican government. This argument, it is obvious, assumes, as a *postulatum*, the superiority of a republican over all other forms of government; and, as a people, we religiously believe in the soundness, both of the assumption and of the argument founded upon it. But if this be all, then a sincere monarchist, a defender of arbitrary power, or a believer in the divine right of kings, would oppose Free Schools, for the identical reasons we offer in their behalf. A perfect demonstration of our doctrine, — that Free Schools are the only basis of republican institutions, — would be the perfection of reasoning to his mind, that they should be immediately exterminated.

Admitting, nay, claiming for ourselves, the substantial justness and soundness of the general grounds on which our system was originally established and has since been maintained, yet it is most obvious that, unless some broader and more comprehensive principle can be found, the system of Free Schools will be repudiated by whole nations as impolitic and danger-

ous; and, even among ourselves, all who deny our premises will, of course, set at nought the conclusions to which they lead.

Again; the expediency of Free Schools is sometimes advocated on grounds of Political Economy. An educated people is a more industrious and productive people. Knowledge and abundance sustain to each other the relation of cause and effect. Intelligence is a primary ingredient in the Wealth of Nations. Where this does not stand at the head of the inventory, the items in a nation's valuation will be few, and the sum at the foot of the column insignificant.

The moralist, too, takes up the argument of the economist. He demonstrates that vice and crime are not only prodigals and spendthrifts of their own, but defrauders and plunderers of the means of others; that they would seize upon all the gains of honest industry, and exhaust the bounties of Heaven itself, without satiating their rapacity for new means of indulgence; and that often, in the history of the world, whole generations might have been trained to industry and virtue by the wealth which one enemy to his race has destroyed.

And yet, notwithstanding these views have been presented a thousand times, with irrefutable logic, and with a divine eloquence of truth which it would seem that nothing but combined stolidity and depravity could resist, there is not at the present time, with the exception of New England and a few small communities elsewhere, a country or a state in Christendom, which maintains a system of Free Schools for the education of its children. Even in the State of New York, with all its noble endowments, the Schools are not Free.

I believe that this amazing dereliction from duty, especially in our own country, originates more in the false notions which men entertain *respecting the nature of their right to property*, than in any thing else. In the district school meeting, in the town meeting, in legislative halls, every where, the advocates for a more generous education could carry their respective audiences with them in behalf of increased privileges for our children, were it not instinctively foreseen that increased privileges must be followed by increased taxation. Against this obstacle argument falls dead. The rich man, who has no children, declares it to be an invasion of his rights of property to exact a contribution from him to educate the children of his neighbor. The man who has reared and educated a family of children denounces it as a double tax, when he is called upon to assist in educating the children of others also; or, if he has reared his own children, without educating them, he thinks it peculiarly oppressive to be obliged to do for others what he refrained from doing even for himself. Another, having children, but disdaining to educate them with the common mass, withdraws them from the Public School, puts them under

what he calls "selecter influences," and then thinks it a grievance to be obliged to support a school which he contemns. Or, if these different parties so far yield to the force of traditionary sentiment and usage, and to the public opinion around them, as to consent to do something for the cause, they soon reach the limit of expense where their admitted obligation, or their alleged charity, terminates.

It seems not irrelevant, therefore, in this connection, to inquire into the nature of a man's right to the property he possesses, and to satisfy ourselves respecting the question, whether any man has such an indefeasible title to his estates, or such an absolute ownership of them, as renders it unjust in the government to assess upon him his share of the expenses of educating the children of the community, up to such a point as the nature of the institutions under which he lives, and the well-being of society, require.

I believe in the existence of a great, immutable principle of natural law, or natural ethics, — a principle antecedent to all human institutions, and incapable of being abrogated by any ordinances of man, — a principle of divine origin, clearly legible in the ways of Providence as those ways are manifested in the order of nature and in the history of the race, — which proves the *absolute right* of every human being that comes into the world to an education; and which, of course, proves the correlative duty of every government to see that the means of that education are provided for all.

In regard to the application of this principle of natural law, — that is, in regard to the extent of the education to be provided for all, at the public expense, — some differences of opinion may fairly exist, under different political organizations; but under a republican government, it seems clear that the minimum of this education can never be less than such as is sufficient to qualify each citizen for the civil and social duties he will be called to discharge; — such an education as teaches the individual the great laws of bodily health; as qualifies for the fulfilment of parental duties; as is indispensable for the civil functions of a witness or a juror; as is necessary for the voter in municipal affairs; and finally, for the faithful and conscientious discharge of all those duties which devolve upon the inheritor of a portion of the sovereignty of this great republic.

The will of God, as conspicuously manifested in the order of nature, and in the relations which he has established among men, places the *right* of every child that is born into the world to such a degree of education as will enable him, and, as far as possible, will predispose him, to perform all domestic, social, civil, and moral duties, upon the same clear ground of natural law and equity, as it places a child's *right*, upon his first coming into the world, to distend his lungs with a portion of the common air, or to open his eyes to the common light, or to

receive that shelter, protection, and nourishment which are necessary to the continuance of his bodily existence. And so far is it from being a wrong or a hardship to demand of the possessors of property their respective shares for the prosecution of this divinely-ordained work, that they themselves are guilty of the most far-reaching injustice, who seek to resist or to evade the contribution. The complainers are the wrongdoers. The cry, "Stop thief," comes from the thief himself.

To any one who looks beyond the mere surface of things, it is obvious that the primary and natural elements or ingredients of all property consist in the riches of the soil, in the treasures of the sea, in the light and warmth of the sun, in the fertilizing clouds, and streams, and dews, in the winds, and in the chemical and vegetative agencies of nature. In the majority of cases, all that we call *property*, all that makes up the valuation or inventory of a nation's capital, was prepared at the creation, and was laid up of old in the capacious storehouses of nature. For every unit that a man earns by his own toil or skill, he receives hundreds and thousands, without cost and without recompense, from the All-bountiful Giver. A proud mortal, standing in the midst of his luxuriant wheat-fields or cotton-plantations, may arrogantly call them his own; yet what barren wastes would they be, did not Heaven send down upon them its dews and its rains, its warmth and its light; and sustain, for their growth and ripening, the grateful vicissitude of the seasons! It is said that from eighty to ninety per cent. of the very substance of some of the great staples of agriculture are not taken from the earth, but are absorbed from the air; so that these productions may more properly be called fruits of the atmosphere than of the soil. Who prepares this elemental wealth? Who scatters it, like a sower, through all the regions of the atmosphere, and sends the richly-freighted winds, as His messengers, to bear to each leaf in the forest, and to each blade in the cultivated field, the nourishment which their infinitely-varied needs demand? Aided by machinery, a single manufacturer performs the labor of hundreds of men. Yet what could he accomplish without the weight of the waters which God causes ceaselessly to flow? or without those gigantic forces which he has given to steam? And how would the commerce of the world be carried on, were it not for those great laws of nature,—of electricity, of condensation, and of rarefaction,—that give birth to the winds, which, in conformity to the will of Heaven, and not in obedience to any power of man, forever traverse the earth, and offer themselves as an unchartered medium for interchanging the products of all the zones? These few references show how vast a proportion of all the wealth which men presumptuously call their own, because they claim to have earned it, is poured into their lap, unasked and unthanked for,

by the Being so infinitely gracious in his physical as well as in his moral bestowments.

But for whose subsistence and benefit were these exhaustless treasuries of wealth created? Surely not for any one man, nor for any one generation; but for the subsistence and benefit of the whole race, from the beginning to the end of time. They were not created for Adam alone, nor for Noah alone, nor for the first discoverers or colonists who may have found or have peopled any part of the earth's ample domain. No! They were created for the race, collectively, but to be possessed and enjoyed in succession, as the generations, one after another, should come into existence;—equal rights, with a successive enjoyment of them! If we consider the earth and the fulness thereof as one great habitation or domain, then each generation, subject to certain modifications for the encouragement of industry and frugality,—which modifications it is not necessary here to specify,—has only a life-lease in them. There are certain reasonable regulations in regard to the out-going and the in-coming tenants,—regulations which allow to the out-going generations a brief control over their property after they are called upon to leave it, and which also allow the in-coming generations to anticipate a little their full right of possession. But, subject to these regulations, nature ordains a perpetual entail and transfer, from one generation to another, of all property in the great, substantive, enduring elements of wealth;—in the soil; in metals and minerals; in precious stones, and in more precious coal, and iron, and granite; in the waters, and winds, and sun;—and no one man, nor any one generation of men, has any such title to, or ownership in, these ingredients and substantials of all wealth, that his right is invaded when a portion of them is taken for the benefit of posterity.

This great principle of natural law may be illustrated by a reference to some of the unstable elements, in regard to which the *property* of each individual is strongly qualified in relation to his contemporaries, even while he has the acknowledged right of *possession*. Take the streams of water, or the wind, for example. A stream, as it descends from its sources to its mouth, is successively the property of all those through whose land it passes. My neighbor who lives above me owned it yesterday, while it was passing through his lands; I own it to-day, while it is descending through mine; and the contiguous proprietor below will own it to-morrow, while it is flowing through his, as it passes onward to the next. But the rights of the successive owners are not absolute and unqualified. They are limited by the rights of those who are entitled to the subsequent possession and use. While a stream is passing through my lands, I may not corrupt it, so that it shall be offensive or valueless to the adjoining proprietor below. I may

not stop it in its downward course, nor divert it into any other direction, so that it shall leave his channel dry. I may lawfully use it for various purposes, — for agriculture, as in irrigating lands or watering cattle ; for manufactures, as in turning wheels, &c. ; — but in all my uses of it, I must pay regard to the rights of my neighbors lower down. So no two proprietors, nor any half-dozen proprietors, by conspiring together, can deprive an owner, who lives below them all, of the ultimate right which he has to the use of the stream in its descending course. We see here, therefore, that a man has certain qualified rights, — rights of which he cannot be divested without his own consent, — in a stream of water, before it reaches the limits of his own estate ; — at which latter point, he may, somewhat more emphatically, call it his own. And in this sense, a man who lives at the outlet of a river, on the margin of the ocean, has certain incipient rights in the fountains that well up from the earth, at the distance of thousands of miles.

So it is with the ever-moving winds. No man has a *permanent* interest in the breezes that blow by him, and bring healing and refreshment on their wings. Each man has a temporary interest in them. From whatever quarter of the compass they may come, I have a right to use them as they are passing by me ; yet that use must always be regulated by the rights of those other participants and coöwners whom they are moving forward to bless. It is not lawful, therefore, for me to corrupt them, to load them with noxious gases or vapors, by which they will prove valueless or detrimental to him, whoever he may be, towards whom they are moving.

In one respect, indeed, the winds illustrate our relative rights and duties, even better than the streams. In the latter case, the rights are not only successive, but always in the same order of priority, — those of the owner above necessarily preceding those of the owner below ; and this order is unchangeable, except by changing the ownership of the land itself to which the rights are appurtenant. But in the case of the winds which blow from every quarter of the heavens, I may have the prior right to-day, and with a change in their direction, my neighbor may have it to-morrow. If, therefore, to-day, when the wind is going from me to him, I should usurp the right to use it to his detriment, to-morrow, when it is coming from him to me, he may inflict retributive usurpation upon me.

The light of the sun, too, is subject to the same benign and equitable regulations. As this ethereal element passes by me, I have a right to bask in its genial beams, or to employ its quickening powers. But I have no right, even on my own land, to build up a wall, mountain-high, that shall eclipse the sun to my neighbor's eyes.

Now, all these great principles of natural law, which define and limit the rights of neighbors and contemporaries, are incorporated into, and constitute a part of, the civil law of every civilized people ; and they are obvious and simple illustrations of the great proprietary laws by which individuals and generations hold their rights in the solid substance of the globe, in the elements that move over its surface, and in the chemical and vital powers with which it is so marvellously endued. As successive owners on a river's banks have equal rights to the waters that flow through their respective domains, subject only to the modification that the proprietors nearer the stream's source must have precedence in the enjoyment of their rights over those lower down, so the rights of all the generations of mankind to the earth itself, to the streams that fertilize it, to the winds that purify it, to the vital principles that animate it, and to the reviving light, are common rights, though subject to similar modifications in regard to preceding and succeeding generations. They did not belong to our ancestors in perpetuity ; they do not belong to us in perpetuity ; and the right of the next generation in them will be limited and defeasible like ours. As we hold them subject to their claims, so will they hold them subject to the claims of their immediate successors, and so on to the end of time. And the savage tribes that roam about the head-springs of the Mississippi have as good a right to ordain what use shall be made of its copious waters, when, in their grand descent across a continent, they shall reach the shores of arts and civilization, as any of our predecessors had, or as we ourselves have, to say what shall be done, *in perpetuity*, with the soil, the waters, the winds, the light, and the invisible agencies of nature, which must be allowed, on all hands, to constitute the indispensable elements of wealth.

Is not the inference irresistible, then, that no man, by whatever means he may have come into possession of his property, has any natural right, any more than he has a moral one, to hold it, or to dispose of it, irrespective of the needs and claims of those, who, in the august procession of the generations, are to be his successors on the stage of existence ? Holding his rights subject to their rights, he is bound not to impair the value of their inheritance, either by commission or by omission.

Generation after generation proceeds from the creative energy of God. Each one stops for a brief period upon the earth, resting, as it were, only for a night, —like migratory birds upon their passage, —and then leaving it forever to others whose existence is as transitory as its own ; and the migratory flocks of water-fowl which sweep across our latitudes in their passage to another clime, have as good a right to make a perpetual appropriation, to their own use, of the lands over which they fly, as any one generation has to arrogate perpetual dominion and sovereignty, for its own purposes, over that portion

of the earth which it is its fortune to occupy during the brief period of its temporal existence.

Another consideration, bearing upon this arrogant doctrine of absolute ownership or sovereignty, has hardly less force than the one just expounded. We have seen how insignificant a portion of any man's possessions he can claim, in any proper and just sense, *to have earned*; and that, in regard to all the residue, he is only taking his turn in the use of a bounty bestowed, in common, by the Giver of all, upon his ancestors, himself, and his posterity, — a line of indefinite length, in which he is but a point. But this is not the only deduction to be made from his assumed rights. The *present* wealth of the world has an additional element in it. Much of all that is capable of being earned by man has been earned by our predecessors, and has come down to us in a solid and enduring form. We have not built all the houses in which we live; nor all the roads on which we travel; nor all the ships in which we carry on our commerce with the world. We have not reclaimed from the wilderness all the fields whose harvests we now reap; and if we had no precious metals, or stones, or pearls, but such as we ourselves had dug from the mines, or brought up from the bottom of the ocean, our coffers and our caskets would be empty indeed. But even if this were not so, whence came all the arts and sciences, the discoveries and the inventions, without which, and without a common right to which, the valuation of the property of a whole nation would scarcely equal the inventory of a single man, — without which, indeed, we should now be in a state of barbarism? Whence came a knowledge of agriculture, without which we should have so little to reap; or a knowledge of astronomy, without which we could not traverse the oceans; or a knowledge of chemistry and mechanical philosophy, without which the arts and trades could not exist? Most of all this was found out by those who have gone before us, and some of it has come down to us from a remote antiquity. Surely all these boons and blessings belong as much to posterity as to ourselves. They have not descended to us to be arrested and consumed here, or to be sequestered from the ages to come. Cato, and Archimedes, and Kepler, and Newton, and Franklin, and Arkwright, and Fulton, and all the bright host of benefactors to science and art, did not make or bequeath their discoveries or inventions to benefit any one generation, but to increase the common enjoyments of mankind to the end of time. So of all the great lawgivers and moralists who have improved the civil institutions of the State, who have made it dangerous to be wicked, or, — far better than this, — have made it hateful to be so. Resources developed, and property acquired, after all these ages of preparation, after all these facilities and securities, accrue not to the benefit of the possessor only, but to that of the next and of all succeeding generations.

Surely, these considerations limit still more extensively that absolutism of ownership which is so often claimed by the possessors of wealth.

But sometimes, the rich farmer, the opulent manufacturer, or the capitalist, when sorely pressed with his legal and moral obligation to contribute a portion of his means for the education of the young, replies, — either in form or in spirit, — “My lands, my machinery, my gold, and my silver, are mine; may not I do what I will with my own?” There is one supposable case, and only one, where this argument would have plausibility. If it were made by an isolated, solitary being, — a being having no relations to a community around him, having no ancestors to whom he had been indebted for ninety-nine parts in every hundred of all he possesses, and expecting to leave no posterity after him, — it might not be easy to answer it. If there were but one family in this western hemisphere, and one only in the eastern hemisphere, and these two families bore no civil and social relations to each other, and were to be the first and last of the whole race, it might be difficult, except on very high and almost transcendental grounds, for either one of them to show good cause why the other should contribute to help to educate children not his own. And perhaps the force of such an appeal would be still further diminished, if the nearest neighbor of a single family upon our planet were as far from the earth as Uranus or Sirius. In self-defence, or in selfishness, one might say to the other, “What are your fortunes to me? You can neither benefit nor molest me. Let each of us keep to his own side of the planetary spaces.” But is this the relation which any man amongst us sustains to his fellows? In the midst of a populous community to which he is bound by innumerable ties, having had his own fortune and condition almost predetermined and foreordained by his predecessors, and being about to exert upon his successors as commanding an influence as has been exerted upon himself, the objector can no longer shrink into his individuality, and disclaim connection and relationship with the world. He cannot deny that there are thousands around him on whom he acts, and who are continually reacting upon him. The earth is much too small, or the race is far too numerous, to allow us to be hermits; and therefore we cannot adopt either the philosophy or the morals of hermits. All have derived benefits from their ancestors, and all are bound, as by an oath, to transmit those benefits, even in an improved condition, to posterity. We may as well attempt to escape from our own personal identity, as to shake off the threefold relation which we bear to others, — the relation of an associate with our contemporaries; of a beneficiary of our ancestors; of a guardian to those who, in the sublime order of Providence, are to follow us. Out of these relations manifest duties are evolved. The society of which we

necessarily constitute a part, must be preserved ; and, in order to preserve it, we must not look merely to what one individual or family needs, but to what the whole community needs ; not merely to what one generation needs, but to the wants of a succession of generations. To draw conclusions without considering these facts, is to leave out the most important part of the premises.

A powerfully corroborating fact remains untouched. Though the earth and the beneficent capabilities with which it is endowed belong in common to the race, yet we find that previous and present possessors have laid their hands upon the whole of it ; — have left no part of it unclaimed and unappropriated. They have circumnavigated the globe ; they have drawn lines across every habitable portion of it, and have partitioned amongst themselves, not only its whole area, or superficial contents, but have claimed it down to the centre, and up to the concave, — a great inverted pyramid for each proprietor, — so that not an unclaimed rood is left, either in the caverns below or in the aërial spaces above, where a new adventurer upon existence can take unresisted possession. They have entered into a solemn compact with each other for mutual protection of their respective parts. They have created legislators, and judges, and executive officers, who denounce and inflict penalties even to the taking of life ; and they have organized armed bands to repel aggression upon their claims. Indeed, so grasping and rapacious have mankind been, in this particular, that they have taken more than they could use, more than they could perambulate and survey, more than they could see from the top of the mast-head, or from the highest peak of the mountain. There was some limit to their physical power of taking possession, but none to the exorbitancy of their desires. Like robbers, who divide their spoils before they know whether they shall find a victim, men have claimed a continent while still doubtful of its existence, and spread out their title from ocean to ocean before their most adventurous pioneers had ever seen a shore of the realms they coveted. The whole planet, then, having been appropriated, — there being no waste or open lands, from which the new generations may be supplied as they come into existence, — have not those generations the strongest conceivable claim upon the present occupants for that which is indispensable to their well-being ? They have more than a preëmptive, they have a possessory right to some portion of the issues and profits of that, all of which has been taken up and appropriated. A denial of this right by the present possessors is a breach of trust, — a fraudulent misuse of power given, and of confidence reposed. On mere principles of political economy, it is folly ; on the broader principles of duty and morality, it is embezzlement.

It is not at all in contravention of this view of the subject,

that the adult portion of society does take, and must take, upon itself, the control and management of all existing property, until the rising generation has arrived at the age of majority. Nay, one of the objects of their so doing is to preserve the rights of the generation which is still in its minority. Society, to this extent, is only a trustee managing an estate for the benefit of a part-owner, or of one who has a reversionary interest in it. This civil regulation, therefore, made necessary even for the benefit of both present and future possessors, is only in furtherance of the great law under consideration.

Coincident, too, with this great law, but in no manner superseding or invalidating it, is that wonderful provision which the Creator has made for the care of offspring, in the affection of their parents. Heaven did not rely merely upon our perceptions of duty towards our children, and our fidelity in its performance. A powerful, all-mastering instinct of love was therefore implanted in the parental, and especially in the maternal breast, to anticipate the idea of duty, and to make duty delightful. Yet the great doctrine, founded upon the will of God, as made known to us in the natural order and relation of things, would still remain the same, though all that beautiful portion of our moral being, whence parental affection springs, were a void and a nonentity. Emphatically would the obligations of society remain the same for all those children who have been bereaved of parents; or who, worse than bereavement, have only monster-parents of intemperance, or cupidity, or of any other of those forms of vice that seem to suspend or to obliterate the law of love in the parental breast. For these, society is doubly bound to be a parent, and to exercise all that rational care and providence which a wise father would exercise for his own children.

If the previous argument began with sound premises and has been logically conducted, then it has established this position, — that a vast portion of the present wealth of the world either consists in, or has been immediately derived from, those great natural substances and powers of the earth, which were bestowed by the Creator alike on all mankind; or from the discoveries, inventions, labors, and improvements of our ancestors, which were alike designed for the common benefit of all their descendants. The question now arises, *At what time* is this wealth to be transferred from a preceding to a succeeding generation? At what point are the latter to take possession of, or to derive benefit from it, or at what time are the former to surrender it in their behalf? Is each existing generation, and each individual of an existing generation, to hold fast to his possessions until death relaxes his grasp? or is something of the right to be acknowledged, and something of the benefit to be yielded, beforehand? It seems too obvious for argument, that the latter is the only alternative. If the in-coming genera-

tion have no rights until the out-going generation have actually retired, then is every individual that enters the world liable to perish on the day he is born. According to the very constitution of things, each individual must obtain sustenance and succor, as soon as his eyes open to the light, or his lungs are inflated by the air. His wants cannot be delayed until he himself can supply them. If the demands of his nature are ever to be answered, they must be answered years before he can make any personal provision for them, either by the performance of labor or by any exploits of skill. The infant must be fed before he can earn his bread; he must be clothed before he can prepare garments; he must be protected from the elements before he can erect a dwelling; and it is just as clear that he must be instructed before he can engage a tutor. A course contrary to this would be the destruction of the young, that we might withhold their rightful inheritance. Carried to its extreme, it would be the act of Herod, seeking, in a general massacre, the life of one who was supposed to endanger his power. Here, then, the claims of the succeeding generation, not only upon the affection and the care, but upon the *property*, of the preceding one, attach. God having given to the second generation as full and complete a right to the incomes and profits of the world as he has given to the first, and to the third generation as full and complete a right as he has given to the second, and so on while the world stands, — it necessarily follows that children must come into a partial and qualified possession of these rights, by the paramount law of nature, as soon as they are born. No human enactments can abolish or countervail this paramount and supreme law; and all those positive and often arbitrary enactments of the civil code, by which, for the encouragement of industry and frugality, the possessor of property is permitted to control it for a limited period after his decease, must be construed and executed in subservience to this sovereign and irrepealable ordinance of nature.

Nor is this transfer always, or even generally, to be made *in kind*; but according to the needs of the recipient. The recognition of this principle is universal. A guardian or trustee may possess lands, while the ward, or owner under the trust, may need money; or the former may have money, while the latter need raiment or shelter. The form of the estate must be changed, if need be, and adapted to the wants of the receiver.

The claim of a child, then, to a portion of preëxistent property begins with the first breath he draws. The new-born infant must have sustenance, and shelter, and care. If the natural parents are removed, or parental ability fails, — in a word, if parents either cannot or will not supply the infant's wants, — then society at large, — the government, — having assumed to itself the ultimate control of all property, — is bound to step in and fill the parent's place. To deny this to

any child would be equivalent to a sentence of death,—a capital execution of the innocent,—at which every soul shudders. It would be a more cruel form of infanticide than any which is practised in China or in Africa.

But to preserve the animal life of a child only, and there to stop, would be,—not the bestowment of a blessing, or the performance of a duty,—but the infliction of a fearful curse. A child has interests far higher than those of mere physical existence. Better that the wants of the natural life should be disregarded than that the higher interests of the character should be neglected. If a child has any claim to bread to keep him from perishing, he has a far higher claim to knowledge to preserve him from error and its fearful retinue of calamities. If a child has any claim to shelter to protect him from the destroying elements, he has a far higher claim to be rescued from the infamy and perdition of vice and crime.

All moralists agree, nay, all moralists maintain, that a man is as responsible for his omissions as for his commissions ; — that he is as guilty of the wrong which he could have prevented, but did not, as for that which his own hand has perpetrated. They, then, who knowingly withhold sustenance from a newborn child, and he dies, are guilty of infanticide. And, by the same reasoning, they who refuse to enlighten the intellect of the rising generation, are guilty of degrading the human race. They who refuse to train up children in the way they should go, are training up incendiaries and madmen to destroy property and life, and to invade and pollute the sanctuaries of society. In a word, if the mind is as real and substantive a part of human existence as the body, then mental attributes, during the periods of childhood, demand provision at least as imperatively as bodily appetites. The time when these respective obligations attach, corresponds with the periods when the nurture, whether physical or mental, is needed. As the right of sustenance is of equal date with birth, so the right to intellectual and moral training begins at least as early as when children are ordinarily sent to school. At that time, then, by the irrepealable law of nature, every child succeeds to so much more of the property of the community as is necessary for his education. He is to receive this, not in the form of lands, or of gold and silver, but in the form of knowledge and a training to good habits. This is one of the steps in the transfer of the property of the present to a succeeding generation. Human sagacity may be at fault in fixing the amount of property to be transferred, or the time when the transfer should be made, to a dollar or to an hour ; but certainly, in a republican government, the obligation of the predecessors, and the right of the successors, extend to and embrace the means of such an amount of education as will prepare each individual to perform all the duties which devolve upon him as a man and a citizen.

It may go further than this point ; certainly, it cannot fall short of it.

Under our political organization, the places and the processes where this transfer is to be provided for, and its amount determined, are the district school meeting, the town meeting, legislative halls, and conventions for establishing or revising the fundamental laws of the State. If it be not done there, society is false to its high trusts ; and any community, whether national or state, that ventures to organize a government, or to administer a government already organized, without making provision for the free education of all its children, dares the certain vengeance of Heaven ; and, in the squalid forms of poverty and destitution, in the scourges of violence and misrule, in the heart-destroying corruptions of licentiousness and debauchery, and in political profligacy and legalized perfidy, — in all the blended and mutually aggravated crimes of civilization and of barbarism, will be sure to feel the terrible retributions of its delinquency.

I bring my argument on this point, then, to a close ; and I present a test of its validity, which, as it seems to me, defies denial or evasion.

In obedience to the laws of God and to the laws of all civilized communities, society is bound to protect the natural life ; and the natural life cannot be protected without the appropriation and use of a portion of the property which society possesses. We prohibit infanticide under penalty of death. We practise a refinement in this particular. The life of an infant is inviolable even before he is born ; and he who feloniously takes it, even before birth, is as subject to the extreme penalty of the law, as though he had struck down manhood in its vigor, or taken away a mother by violence from the sanctuary of home, where she blesses her offspring. But why preserve the natural life of a child, why preserve unborn embryos of life, if we do not intend to watch over and to protect them, and to expand their subsequent existence into usefulness and happiness ? As individuals, or as an organized community, we have no natural right ; we can derive no authority or countenance from reason ; we can cite no attribute or purpose of the divine nature, for giving birth to any human being, and then inflicting upon that being the curse of ignorance, of poverty and of vice, with all their attendant calamities. We are brought, then, to this startling but inevitable alternative. The natural life of an infant should be extinguished as soon as it is born, or the means should be provided to save that life from being a curse to its possessor ; and therefore every State is bound to enact a code of laws legalizing and enforcing Infanticide, or a code of laws establishing Free Schools !

The three following propositions, then, describe the broad and ever-during foundation on which the Common School system of Massachusetts reposes : —

The successive generations of men, taken collectively, constitute one great Commonwealth.

The property of this Commonwealth is pledged for the education of all its youth, up to such a point as will save them from poverty and vice, and prepare them for the adequate performance of their social and civil duties.

The successive holders of this property are trustees, bound to the faithful execution of their trust, by the most sacred obligations; because embezzlement and pillage from children and descendants are as criminal as the same offences when perpetrated against contemporaries.

Recognizing these eternal principles of natural ethics, the Constitution of Massachusetts, — the fundamental law of the State, — after declaring, (among other things,) in the preamble to the first section of the fifth chapter, that "the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America," proceeds, in the second section of the same chapter, to set forth the duties of all future Legislators and Magistrates, in the following noble and impressive language: —

"Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the University of Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people." See also Rev. St. ch. 23, § 7.

I now proceed to give an account of the legal enactments for the organization and administration of the Massachusetts school system. This account will contain much of specification and detail, and to the general reader it must be heavy and tedious; but I hope its utility will be some compensation for its want of attractiveness. In giving this account, I shall have occasion to point out some serious defects; and also to refer to a few provisions in the school laws of other States, believed to be far superior to our own; but on the whole it is

truly surprising that our ancestors, without experience and without precedent, should have devised a system so perfect in its organic principles, and so capable of easy adaptation to an advancing state of society.

[To be continued.]

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